

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

| | | |
|-------------------------------|---|----------|
| MILLIONAIRE MEDIA LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | Case No. |
| JADEN WELSH a/k/a digideal19, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

COMPLAINT AND JURY DEMAND

Plaintiff Millionaire Media LLC (“Plaintiff” or “Millionaire Media”), by and through its attorneys, brings this action against Jaden Welsh a/k/a digideal19 (“Defendant” or “Welsh”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement and for violations of the Digital Millennium Copyright Act. Defendant Jaden Welsh, doing business on eBay as digideal19 (among other usernames), has infringed Millionaire Media’s registered copyrights in a series of educational videos. Defendant is a repeat offender who attempts to sell unauthorized copies of Millionaire Media’s copyrighted works despite the fact that eBay has repeatedly removed Defendant’s infringing listings from eBay pursuant to the Digital Millennium Copyright Act. Millionaire Media seeks preliminary and permanent injunctive relief, money damages, attorney’s fees, costs and other relief as specified below.

PARTIES

2. Millionaire Media LLC is a Delaware limited liability company with its principal place of business at 80 SW 8th Street, Suite 2000, Miami, Florida 33130.

3. Upon information and belief, Jaden Welsh is an individual residing in Chicago, Illinois. Specifically, Welsh represented under penalty of perjury in two counter notices under the Digital Millennium Copyright Act (the “Counter Notices”) that his address is 2119 Clifton Avenue, Chicago, Illinois 60614. *See Exhibit A.*

JURISDICTION AND VENUE

4. This case arises under the Copyright Act, 17 U.S.C. § 101, *et seq.* The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

5. The exercise of *in personam* jurisdiction over Defendant comports with the laws of the State of Illinois and the constitutional requirements of due process because upon information and belief Defendant resides in and is domiciled in the Northern District of Illinois. Moreover, in providing the Counter Notices, Defendant consented to the jurisdiction of the Federal District Court for the Northern District of Illinois. *See Exhibit A* at Sections III and VII.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c).

GENERAL ALLEGATIONS

A. Millionaire Media and the Copyrighted Works.

7. Millionaire Media is a venture associated with Tim Sykes, a financial expert and stock trader who famously turned \$12,415.00 in Bar Mitzvah gift money into millions by trading penny stocks.

8. Through Millionaire Media, Sykes seeks to educate others about his trading and investment strategies. Specifically, Sykes has created a series of videos and paid-subscription webinars that teach participants how to successfully manage and trade penny stocks.

9. Millionaire Media owns registered copyrights in a series of educational videos about the stock market, trading, and other subjects, as depicted in the table below:

| Title of Work | Copyright Reg. Number | Year of Creation | Date of Registration |
|--|------------------------------|-------------------------|-----------------------------|
| PennyStocking | PA0001874270 | 2008 | 11/6/2013 |
| Pennystocking PartDeux | PA0001874313 | 2008 | 11/6/2013 |
| Best of Livestock | PA0001874300 | 2009 | 11/6/2013 |
| Learn Level 2 | PA0001874312 | 2009 | 11/6/2013 |
| Shortstocking | PA0001874315 | 2009 | 11/6/2013 |
| Survivor's Guide To Trading Penny Stocks | PA0001874305 | 2009 | 11/6/2013 |
| Tim Fundamentals | PA0001874274 | 2009 | 11/6/2013 |
| Tim Fundamentals Part Deux | PA0001874301 | 2009 | 11/6/2013 |
| Tim Raw | PA0001874299 | 2009 | 11/6/2013 |
| Tim Tactics | PA0001874307 | 2009 | 11/6/2013 |
| How To Make Millions | PA0001943377 | 2014 | 3/17/2015 |

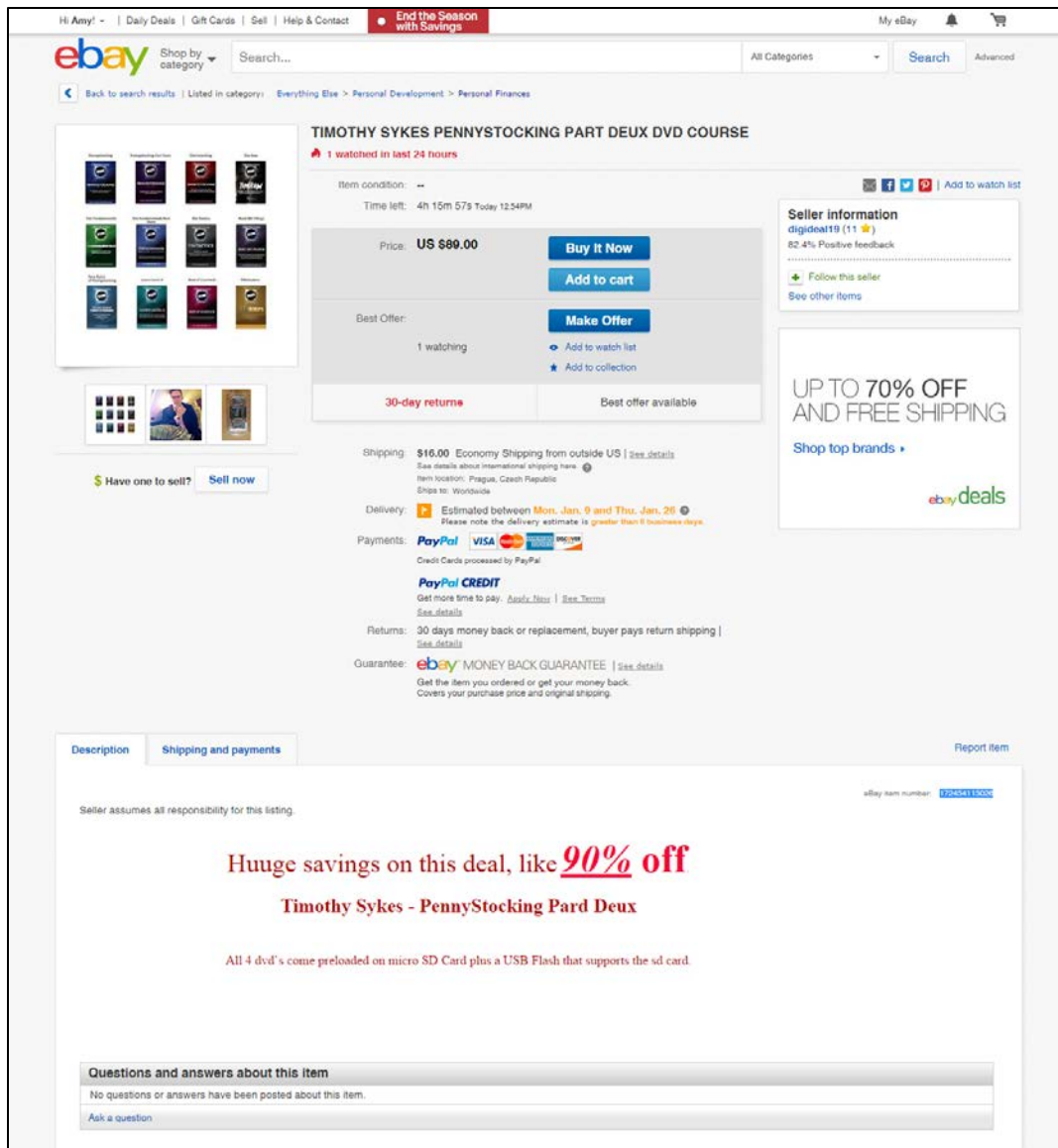
10. Millionaire Media also owns the copyright in a video recording entitled “Learn to Read SEC Filings.” That video recording, together with the works set forth in the table above, are hereinafter referred to as the “Works.”

11. Authorized copies of the Works are available for sale in DVD format and via online streaming after a purchaser registers an account on a website owned and operated by an affiliate of Millionaire Media; authorized copies of the work are not available for sale on SD cards, USB flash drives, or in any other media.

12. Millionaire Media does not sell its products or services on eBay or through any other third parties. Millionaire Media sells and ships authorized copies of the Works directly to consumers.

D. Defendant's Infringement of the Works.

13. Defendant, doing business under the eBay.com username digideal19, offered for sale and, upon information and belief, sold unauthorized copies of the Works. In the listing depicted below, for example, Defendant offered unauthorized copies of Millionaire Media's copyrighted Pennystocking Part Deux video course on SD cards and flash drives.



14. On November 21, 2016, Millionaire Media notified eBay that Defendant was attempting to sell unauthorized, infringing copies of the Works on eBay and requested that eBay remove the identified infringing listing (Item No. 172416606338) pursuant to the Digital Millennium Copyright Act. eBay complied. Defendant eventually filed a counter notice with respect to this listing that eBay ultimately deemed invalid.

15. Defendant subsequently created new eBay listings offering infringing copies of the Works for sale.

16. On December 16, 2016, Millionaire Media again notified eBay that Defendant was attempting to sell unauthorized, infringing copies of the Works on eBay and requested that eBay remove the identified infringing listings (Item Nos. 172447412730 and 172442625393) pursuant to the Digital Millennium Copyright Act. eBay complied, and Defendant filed no counter notice.

17. Once again, Defendant subsequently created new eBay listings offering infringing copies of the Works for sale.

18. On December 21, 2016, Millionaire Media again notified eBay that Defendant was attempting to sell unauthorized, infringing copies of the Works on eBay and requested that eBay remove the identified infringing listings (Item Nos. 172453643540 and 172453643652) pursuant to the Digital Millennium Copyright Act. eBay complied.

19. Defendant then once again created new eBay listings offering infringing copies of the Works for sale.

20. On December 28, 2016, Millionaire Media again notified eBay that Defendant was attempting to sell unauthorized, infringing copies of the Works on eBay and requested that eBay remove the following infringing listings pursuant to the Digital Millennium Copyright Act:

| eBay Item Number | Listing Title |
|------------------|--|
| 172454114133 | TIMOTHY SYKES PENNYSTOCKING DVD COURSE |
| 172454115026 | TIMOTHY SYKES PENNYSTOCKING PART DEUX DVD COURSE |
| 172454115721 | TIMOTHY SYKES READ SEC FILINGS DVD COURSE |
| 172454116213 | TIMOTHY SYKES SHORTSTOCKING DVD COURSE |
| 172454116801 | TIMOTHY SYKES TIMFUNDAMENTALS DVD COURSE |
| 172454117420 | Timothy Sykes TIMFundamentals Part Deux dvd course |
| 172454117854 | Timothy Sykes TIMRaw dvd course |
| 172454118367 | Timothy Sykes TIMTactics dvd course |
| 172456378485 | TIMOTHY SYKES MEGA COLLECTION PENNYSTOCK, TIMFUNDAMENTALS TIMRAW DVD COURSES |
| 172456383954 | Timothy Sykes How to Make Millions 12 DVD stocks options forex trading |

21. eBay complied. But shortly thereafter, Defendant filed the fraudulent Counter Notices with respect to these listings and with respect to Item No. 172416606338.

22. eBay has deemed the Counter Notices effective. Millionaire Media's only recourse was thus to initiate this lawsuit against Defendant to prevent the infringing eBay listings identified above from being reactivated and to halt Defendant's willful infringement of Millionaire Media's copyrighted Works.

FIRST CLAIM FOR RELIEF

Copyright Infringement - 17 U.S.C. § 501

23. Millionaire Media incorporates each of the preceding paragraphs as if fully set forth herein.

24. The Works are original works of authorship and constitute copyrightable subject matter under the copyright laws of the United States.

25. Millionaire Media owns the copyright in the Works and has complied with all statutory requirements in completing and submitting its application to register its copyrights in the Works with the United States Copyright Office.

26. Defendant has infringed Millionaire Media's exclusive rights in the copyrights for the Works by reproducing, distributing, and displaying the Works without Millionaire Media's authorization, in violation of 17 U.S.C. § 501.

27. Defendant's infringement of the Works has been knowing, deliberate, and willful.

28. As a direct and proximate result of Defendant's infringement, Millionaire Media has suffered monetary damages in an amount to be proven at trial.

29. As a direct and proximate result of Defendant's infringement, Millionaire Media has suffered irreparable harm and will continue to suffer irreparable harm until the Court preliminary and permanently enjoins Defendant's actions alleged herein.

SECOND CLAIM FOR RELIEF

Violation of the Digital Millennium Copyright Act, 17 U.S.C. § 512(f)

30. Millionaire Media hereby incorporates each of the preceding paragraphs as if fully set forth herein.

31. The Counter Notice is fraudulent and contains knowing, material misrepresentations in violation of 17 U.S.C. § 512(f). In the Counter Notice, Defendant swears under penalty of perjury that he has a good faith belief that the infringing listings do not involve infringing materials and that the infringing listings were removed or disabled by mistake or misidentification. However, no authorized copies of the Works are available on SD cards or flash drives, the media offered by Defendant. Defendant therefore could not have had a good faith belief that the videos he offered for sale were not infringing or that the infringing listings were removed or disabled by mistake or misidentification.

32. As a direct and proximate result of Defendant's knowing, material misrepresentations in the Counter Notice, Millionaire Media has suffered monetary damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Millionaire Media respectfully requests this Court:

- A. Enter judgment that Defendant has willfully infringed the Works;
- B. Enter an order preliminarily and permanently enjoining Defendant and his agents, servants, employees and other representatives, as well as those in active concert with him, from infringing any of Millionaire Media's exclusive rights in the Works, including without limitation by offering infringing copies of the Works for sale on eBay, whether in the listings identified above or otherwise;

C. Order the impounding for destruction of all unauthorized copies or reproductions of the Works;

D. Order an accounting of Defendant's profits attributable to his infringement of the Works;

E. Award Millionaire Media its actual damages sustained as a result of Defendant's infringement of the Works, together with Defendant's profits attributable to the infringement but not taken into account in computing actual damages, pursuant to 17 U.S.C. § 504(b);

F. Award Millionaire Media its actual damages sustained as a result of Defendant's knowing and material misrepresentations contained in the Counter Notice pursuant to 17 U.S.C. § 512(f);

G. Award Millionaire Media statutory damages pursuant to 17 U.S.C. § 504;

H. Award Millionaire Media its costs and attorney fees pursuant to 17 U.S.C. §§ 505 and 512(f);

I. Award Millionaire Media prejudgment and post-judgment interest, as allowed by law; and

J. Award Millionaire Media such other relief as this Court deems just and appropriate.

JURY DEMAND

Millionaire Media hereby demands a trial by jury on all issues so triable.

Dated: January 11, 2017

Respectfully submitted,

s/Kathryn A. Feiereisel

Kathryn A. Feiereisel # 6310852

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